

MINUTES OF MEETING OF WATER USERS ON
BURNT FORK CREEK, July 22, 1942.

In response to a petition filed by William McGinnis, Louis Stoll, Earl Gamble, Bob Gamble, Frank Killian, Harry Katzmyer, Lyle Anderson and Wm. McGinnis, Jr., water users, for the appointment of a water commissioner to distribute the water of Burnt Fork Creek for the 1942 irrigation season, a meeting was duly called and held at the Burnt Fork School House, Burnt Fork, Wyoming, on July 22, 1942, at 2:00 o'clock p.m.

The following were present:

Ed. H. Watson, State Engineer of Utah
Fred W. Cottrell, Chief Deputy State Engineer of Utah
E. J. Skeen, Special Assistant Attorney General of Utah
Emil C. Gradert, Superintendent, Water Division #4, Wyo.
Alton Beck, McKinnon, Wyoming
Harry Katzmyer, McKinnon, Wyoming
J. C. Anderson, " "
Austin Stevens, Pres., Interstate Canal & Res. Co., McKinnon, Wyoming;
Earl Gamble, McKinnon, Wyo.
Claude Sadlier, McKinnon, Wyo.
Lawrence Beck, McKinnon, Wyo.
Reed Hanks, McKinnon, Wyo.
Wm. McGinnis, Burnt Fork, Wyoming
Joseph H. Boynton, McKinnon, Wyoming
W. Lee Russell, McKinnon, Wyoming
Emery Jensen, McKinnon, Wyoming.

It was agreed by all of the water users present that they constituted the majority of the water users on Burnt Fork Creek who divert water in Utah.

Mr. Watson called the meeting to order and read the petition of water users which prompted the calling of the meeting.

It was stated that since the filing of the petition with the State Engineer there had been heavy rains on the lands irrigated from Burnt Fork Creek and that by reason thereof it was unnecessary to appoint a water commissioner for the 1942 season. It was further stated that the flow of the creek had increased substantially and that there was enough water there for everyone.

A motion was made by William McGinnis, seconded by W. Lee Russell, that no water commissioner be appointed for the 1942 season. This motion was unanimously adopted.

Mr. Watson asked Mr. Cottrell to make recommendations as to improvements which would be advisable on the Burnt Fork Creek distribution system. Mr. Cottrell said that it would be advisable to install headgates and measuring devices on all of the canals which are not already so equipped. He pointed out that until this was done it would not be possible to control or measure the water, and in time of shortage a water commissioner would not be able to handle his job properly. This recommendation was discussed by the water users and representatives of all of the canals and all agreed that headgates and measuring devices would be installed as soon as possible.

A motion was made by Lawrence Beck and duly seconded, that headgates and measuring devices of a design approved by the state engineer, be installed on all canals in Utah. The motion carried unanimously.

Mr. Cottrell made the further suggestion that before a water commissioner could distribute water successfully, it would be necessary to have the water rights on Burnt Fork Creek adjudicated or a schedule of water rights worked out by the water users themselves by stipulation.

Mr. Skeen stated that the water rights could be decreed in any one of the following ways:

- 1- Written agreement signed by all of the water users on Burnt Fork, settling all water rights where diversions are in Utah, to be confirmed by stipulated court decree.

- 2- Agreement in writing signed by all of the water users that the state engineer act as an arbitrator and settle any disputes

which might arise in working out a stipulation of water rights, which stipulation would be confirmed by a decree of the district court, under the provisions of Sec. 100-2-16, Chapter 96, Laws of Utah, 1941.

3- File a petition in the district court for a general adjudication of all water rights on Burnt Fork Creek in Utah. Under this petition, the state engineer would make a proposed determination of water rights for submission to the district court. The water users would be required to pay the expense incurred.

It was stated that under the first two methods mentioned, no expense would be incurred and the result obtained would be just as satisfactory from the standpoint of court records as a decree of the court under the usual adjudication process.

Mr. Watson suggested that a letter be written to the Burnt Fork users setting out in more detail the action which should be taken to stipulate a schedule of water rights.

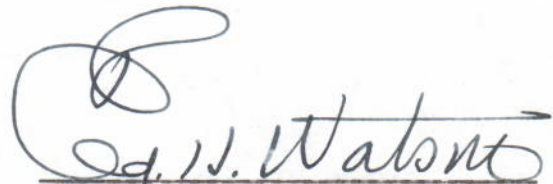
Mr. Emil C. Gradert, Superintendent, Water Division No.4 of Wyoming, stated that in working out a schedule of water rights in Utah, the water should be divided on the basis of actual beneficial use and no more water should be taken than that required to irrigate the land under each ditch. Mr. Gradert also stated that it would be advisable for the States of Utah and Wyoming to enter into a compact for the division of the water of Burt Fork Creek.

A motion was made by Claude Sadlier, duly seconded, that a meeting be held in the near future for the purpose of selecting a committee whose duty it would be to work out a stipulation of water rights and that a chairman of the meeting be nominated. This motion was carried unanimously. W. Lee Russell was nominated and elected and a meeting of water users was called for August 1, 1942, at 8:00 o'clock p.m. at the W. Lee Russell residence.

Mr. Cottrell suggested that it would be advisable to straighten the Burnt Fork Creek channel immediately above the Interstate Canal and Reservoir Company headgate.

A motion was made by William McGinnis, duly seconded, that it was the consensus of opinion at the meeting that the creek channel be straightened by the Interstate Canal and Reservoir Company in accordance with suggestions made by Mr. Cottrell.

There being no further business, the meeting was adjourned.


Chairman.

EJS/ba